

**ASSEMBLY BILL**

**No. 47**

**Introduced by Assembly Member Cohn**

December 6, 2004

---

An act to amend Section 104900 of the Health and Safety Code, relating to pneumonia vaccines.

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as introduced, Cohn. Pneumonia vaccines.

Existing law authorizes the State Department of Health Services to provide appropriate pneumonia vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations for groups identified as high risk by the United States Public Health Service.

This bill would require the department to provide appropriate pneumonia vaccine to those entities.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 104900 of the Health and Safety Code is
- 2 amended to read:
- 3 104900. (a) The department shall provide appropriate flu
- 4 vaccine to local governmental or private, nonprofit agencies at no
- 5 charge in order that the agencies may provide the vaccine, at a
- 6 minimal cost, at accessible locations in the order of priority first,
- 7 for all persons 60 years of age or older in this state and then to
- 8 any other high-risk groups identified by the United States Public

1 Health Service. The department and the ~~State~~ *California*  
2 Department of Aging shall prepare, publish, and disseminate  
3 information regarding the availability of the vaccine and the  
4 effectiveness of the vaccine in protecting the health of older  
5 persons.

6 (b) The department ~~may~~ *shall* provide appropriate pneumonia  
7 vaccine to local governmental or private, nonprofit agencies at no  
8 charge in order that the agencies may provide the vaccine, at a  
9 minimal cost, at accessible locations for groups identified as high  
10 risk by the United States Public Health Service.

11 (c) The program shall be designed to utilize voluntary  
12 assistance from public or private sectors in administering the  
13 vaccines. However, local governmental or private, nonprofit  
14 agencies may charge and retain a fee not exceeding two dollars  
15 (\$2) per person to offset administrative operating costs.

16 (d) Except when the department determines that it is not  
17 feasible to utilize federal funds due to excessive administrative  
18 costs, the department shall seek and utilize available federal  
19 funds to the maximum extent possible for the cost of the vaccine,  
20 the cost of administering the vaccine and the minimal fee  
21 charged under this section, including reimbursement under the  
22 Medi-Cal program for persons eligible therefor to the extent  
23 permitted by federal law.

24 (e) Administration of the vaccine shall be performed either by  
25 a physician, a registered nurse, or a licensed vocational nurse  
26 acting within the scope of their professional practice acts. The  
27 physician under whose direction the registered nurse or a  
28 licensed vocational nurse is acting shall require the nurse to  
29 satisfactorily demonstrate familiarity with (1) contraindication  
30 for the administration of such immunizing agents, (2) treatment  
31 of possible anaphylactic reactions, and (3) the administration of  
32 treatment, and reactions to such immunizing agents.

33 (f) No private, nonprofit volunteer agency whose involvement  
34 with an immunization program governed by this section is  
35 limited to the provision of a clinic site or promotional and  
36 logistical support pursuant to subdivision (c), or any employee or  
37 member thereof, shall be liable for any injury caused by an act or  
38 omission in the administration of the vaccine or other  
39 immunizing agent to a person 60 years of age or older or to  
40 members of high-risk groups identified by the United States

1 Public Health Service, if the immunization is performed pursuant  
2 to this section in conformity with applicable federal, state, or  
3 local governmental standards and the act or omission does not  
4 constitute willful misconduct or gross negligence. As used in this  
5 subdivision, “injury” includes the residual effects of the vaccine  
6 or other immunizing agent. It is the intent of the Legislature in  
7 adding this subdivision to affect only the liability of private,  
8 nonprofit volunteer agencies and their members that are not  
9 health facilities as defined in Section 1250.

10 (g) Nothing in this section shall be construed to require  
11 physical presence of a directing or supervising physician, or the  
12 examination by a physician of persons to be tested or immunized.